

individuals to the Medical Science Committee, with “the responsibilities and tenure set forth in the Second Amended Settlement Agreement.” (Dkt. 278, ¶ 12.)

3. In 2022, Dr. Stern informed the Chair that he would not be able to continue fulfilling his responsibilities as a member of the Committee due to the demands of his other professional obligations. Pursuant to the Second Amended Settlement Agreement, the Parties have agreed upon his replacement, Dr. Katherine Rankin of the University of California-San Francisco, and ask that the Court approve her appointment upon receipt of this report. (Dkt. 558-1, ¶ V.A.4.)

4. The Second Amended Settlement Agreement states that the Medical Science Committee’s responsibilities include:

- a. Meeting in person or by conference call at least once per calendar year;
- b. Preparing, annually reviewing and amending, if necessary, the Screening Questionnaire to ensure it meets current standards of care and fits the purposes of the Medical Monitoring Program;
- c. Preparing, annually reviewing and amending, if necessary, the Screening Criteria to ensure they meet the current standard of care and fit the purposes of the Medical Monitoring Program;
- d. Preparing, annually reviewing and amending, if necessary, the scope of the in-person Medical Evaluations to ensure they meet the current standard of care and fit the purposes of the Medical Monitoring Program; and
- e. Overseeing the performance to the Program Locations to ensure that the Program Locations are providing Medical Evaluations to Qualifying Class Members in accordance with the terms of the Second Amended Settlement Agreement.

(Dkt. 558-1, ¶ V.C.)

5. On December 11, 2022, the Medical Science Committee met by conference call to fulfill its responsibilities under the Second Amended Settlement Agreement. Attendees were Dr.

Cantu, Dr. Echemendia, Dr. Rankin, and the Chair. (Dr. Hainline had a scheduling conflict and could not attend.) Also attending were employees of the Program Administrator.

6. During the December 11, 2022, meeting, the Medical Science Committee reviewed the components of the Screening Questionnaire to ensure that they meet the current standards of care and fit the purposes of the Medical Monitoring Program. The consensus of the Medical Science Committee members was that all instruments included in the Screening Questionnaire are still widely used and remain applicable for the purposes of the Medical Monitoring Program. They further agreed that no additions to the Screening Questionnaire are appropriate at this time.

7. During the December 11, 2022, meeting, the Medical Science Committee reviewed the Screening Criteria (i.e., the “cut scores” for the instruments used in the Screening Questionnaire). This review included an analysis of the results of the Screening Questionnaires that have been completed to date, including the frequency with which the scores from each instrument in the Screening Questionnaire resulted in a Settlement Class Member qualifying for in-person Medical Evaluations. The Medical Science Committee chose not to modify the cut scores during the meeting but did agree that additional analysis should continue to be performed in 2023. If the Medical Science Committee later decides to modify the cut scores as a result of its review of the data and analysis, it will direct the Program Administrator to adjust the cut scores in its administration of the Screening Questionnaire and will report this modification to the Parties and the Court.

8. During the December 11, 2022, meeting, the Medical Science Committee reviewed the scope of the Medical Evaluations to ensure they meet the current standard of care and fit the purposes of the Medical Monitoring Program. The consensus of the Medical Science Committee members was that the scope of the Medical Evaluations meets the current standard of care and fits the purposes of the Medical Monitoring Program, with two exceptions. First, Dr. Cantu stated that a blood test for Vitamin D levels was an appropriate test not currently included in the list of blood

tests paid for by the Medical Evaluations and recommended it be added. Second, Dr. Cantu stated that inclusion of a blood test for Vitamin B-6 was unnecessary for the purposes of the Medical Monitoring Program and recommended it be removed from the list of covered services. The consensus of the Committee was to accept both of Dr. Cantu's recommendations.

9. During the December 11, 2022, meeting, members of the Medical Science Committee discussed oversight of the performance of the Program Locations to ensure they are providing Medical Evaluations to Qualifying Class Members in accordance with the terms of the Second Amended Settlement Agreement. The Program Administrator reported various metrics regarding the provision of Medical Evaluations to date. The members of the Medical Science Committee discussed several additional metrics that could be used to further evaluate the performance of Program Locations and agreed to revisit those additional metrics during the 2023 annual meeting of the Committee.

10. The activities described above represent those undertaken by the Medical Science Committee to fulfill its responsibilities under the Settlement in 2022. Members of the Medical Science Committee have reviewed and approved the contents of this report.

11. The Medical Science Committee looks forward to continuing to work closely with the Program Administrator to ensure delivery of the Screening Questionnaires and Medical Evaluations in accordance with the terms of the Second Amended Settlement Agreement.

EXECUTED on this 16th day of December 2022 at Chicago, Illinois.

/s/ Wayne R. Andersen

The Honorable Wayne R. Andersen
United States District Judge (Ret.)
Special Master

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that on December 16, 2022, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

/s/ Daniel J. Kurowski
Daniel J. Kurowski